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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph Barrett et al.

Serial No. : 09/666,140

Filed : September 20, 2000

Title : SECURING AN ACCESSIBLE COMPUTER SYSTEM

Art Unit : 2153

Examiner : Kimberly Flynn

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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REPLY TO ACTION OF NOVEMBER 25, 2003

Claims 1-37 are pending with claims 1, 15, and 25 being independent.

Claims 1-9, 13-19, 23-29, and 34-37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Canion et al. (U.S. Patent Application Publication No. 2002/0108059).

Applicants respectfully traverse this rejection because it has not been established that the subject matter used to make the rejection is appropriately supported in the earlier filed provisional application (Ser. No. 60/187,211 filed on March 3, 2000) upon which Canion claims the benefit under 35 U.S.C. § 119(e).

Canion has an application filing date of March 1, 2001 and claims priority to two provisional patent applications, provisional application Ser. No. 60/246,335 filed on November 7, 2000 (the '335 provisional) and provisional application Ser. No. 60/187,211 filed on March 3, 2000 (the '211 provisional). As such, the earliest § 102(e) date that can be attributed to Canion is March 3, 2000.

Applicants' application was filed on September 20, 2000 and claims the benefit of a provisional patent application filed on August 24, 2000. The claim for domestic priority under 35 U.S.C. § 119(e) was acknowledged on the Official Filing Receipt mailed August 21, 2002 and on the first office action summary sheet mailed May 8, 2003. Applicants' application is entitled to at least the provisional application filing date of August 24, 2000, which is earlier than the March 1, 2001 non-provisional filing date of Canion and earlier than the November 7, 2000 filing date of the '335 provisional.

Thus, for Canion to be used as a § 102(e) reference against this application, the subject matter used to make the rejection must be appropriately supported in the disclosure of the '211

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provisional filed on March 3, 2000. See Sec. IV(4)(b) of the Revised Examination Guidelines for 35 U.S.C. § 102(e), December 11, 2002.

A copy of the '211 provisional was not provided with the Office Action nor is the disclosure of the '211 provisional referenced in the Office Action to show the required support for the rejection. Therefore, the Patent Office has failed to meet its burden of establishing a prima facie case of anticipation in support of a § 102(e) rejection in reliance on Canion. Thus, Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection of claims 1-9, 13-19, 23-29, and 34-37.

Claims 10-12, 20-22, and 30-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Canion. Applicants respectfully traverse this rejection, again pointing out that the Patent Office has failed to meet its burden of establishing Canion as prior art under any applicable section of 35 U.S.C. § 102. The Patent Office has therefore failed to meet its burden of establishing a prima facie case of obviousness in support of a § 103 rejection in reliance on Canion. For at least this reason, Applicants respectfully request withdrawal of the § 103(a) rejection.

All claims are considered to be in condition for allowance.

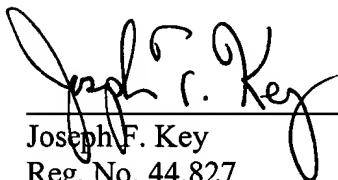
Enclosed is a \$110 check for the Petition for Extension of Time fee. During the prosecution of this application, please apply any other deficiencies or credits to deposit account 06-1050.

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Respectfully submitted,

Date: 3/25/2004

  
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